

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 12, 2002**

AGENDA ITEM NO.:18

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rivermont Historic District Designation**

RECOMMENDATION: Adoption of Ordinance to establish the Rivermont Historic District

SUMMARY: At the work session on November 17, 2001 City Council directed City staff to revive the proposal for a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street; 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.

PRIOR ACTION(S):

December 17, 2001: HPC unanimously recommended approval (7-0)

January 9: PC unanimously recommended approval (6-0) with 1 member absent

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/847-1508, ext. 253

Annette Chenault/847-1508, ext. 258

ATTACHMENT(S):

- PC Report
- PC Minutes
- HPC Report
- HPC Minutes
- Rivermont Maps

REVIEWED BY:

AN ORDINANCE DESIGNATING A CERTAIN AREA AS RIVERMONT HISTORIC DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that Chapter 35.1 of the Code of the City of Lynchburg, 1959, as amended, be, and the same is hereby further amended by adding Section 35.1-76-_____, which section shall read as follows:

Section 35.1-76-_____. Designation of a certain area as Rivermont Historic District.

The area embraced within the following boundaries . . .

PART A. PARCELS IN THE RIVERMONT HISTORIC DISTRICT IDENTIFIED BY TAX MAP NUMBER.

RE PID

00801001	00801002	02012018	02012019	02212003	02212004
00801003	00801004	02012020	02012021	02212005	02212006
00801005	00801006	02012033	02017001	02212007	02212008
00801007	01901001	02017018	02017019	02212009	02212018
01901002	01901003	02018001	02018002	02302003	02302004
01902001	01902002	02018003	02019001	02302005	02302006
01902003	01902004	02019002	02020001	02302007	02302008
01903001	01903002	02102022	02102023	02302009	02302010
01903019	01904001	02102024	02102025	02303001	02303003
01904002	01905001	02102026	02102027	02303004	02303005
01905002	01905003	02102028	02102029	02303006	02303007
02001001	02001002	02102034	02102051	02304001	02304002
02001018	02002007	02105040	02105041	02304003	02304004
02002008	02002009	02105042	02105043	02305001	02305001
02002010	02002011	02105044	02106008	02311001	02311002
02002012	02002013	02106009	02106010	02311003	02311004
02002014	02002035	02106011	02106012	02311005	02311018
02002037	02003001	02106013	02107011	02311019	02311020
02003002	02003003	02107012	02108007	02311021	02311022
02003004	02003005	02108008	02109001	02311023	02311024
02003006	02003007	02109002	02109003	02311025	02311026
02003008	02005002	02110001	02110002	02311027	02311028
02005003	02005004	02110003	02110004	02311029	02311029
02005005	02006001	02112001	02112009	02312015	02312016
02006002	02006003	02112010	02112011	02312017	02312018
02006004	02006005	02112012	02112013	02312021	02312022
02006006	02006007	02112014	02113001	02312023	02312024
02006008	02006009	02113006	02113008	02314001	02314002
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02006012	02006022	02114003	02114004	02314005	02314006
02007001	02007002	02115001	02115002	02314007	02314008
02007003	02007004	02115003	02115004	02314009	02314010
02007005	02007006	02116001	02116002	02314011	02314012
02007007	02007008	02116003	02116004	02314013	02315001
02007013	02011001	02203004	02203005	02315002	02315003
02011017	02011018	02203006	02203007	02315004	02315005
02011019	02011020	02204011	02204012	02315006	02316001
02011021	02011022	02204013	02206001	02316009	02316011
02011023	02011024	02206002	02206003	02316012	02316013
02011025	02011026	02206004	02206005	02316014	02316015
02011027	02012005	02207001	02207002	02316016	02317012
02012006	02012007	02207003	02207004	02317013	02317014
02012008	02012009	02208001	02208002	02326001	02326004
02012010	02012011	02208003	02211001	02327001	02327002
02012012	02012013	02211002	02211003	02327003	02327004
02012014	02012015	02211004	02211005	03702003	03702013
02012016	02012017	02212001	02212002	03702028	03702029

03801001	03806001
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04010010	04010011
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04011003	04011004
04011007	04011008
04011009	04011010
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04106011	04106012
06902001	06903001
06903019	06905001
06905005	06905006
06905007	06905008
06905014	06905015
06905016	06905017
06905018	06906001
06906013	06906014
06906033	06906034
06909012	06909013
4012005	4012006

PART B. Descriptions of Portions of Real Estate Property Located in the Rivermont Historic District.

Part of 1705 Rivermont Avenue (RE PID# 021-13-001)

Beginning at the northeastern most corner of RE PID# 021-13-001 at the intersection of Rivermont Avenue and Fauquier Street, thence proceeding along Fauquier Street in a southwesterly direction approximately 150 feet to a point south of and inclusive of the Langley Family Trust Apartment Numbers 1, 2 and 3 fronting on Rivermont Avenue; thence continuing in a northwesterly direction approximately 160 feet to a point on RE PID# 021-13-001 where it intersects with the southeast corner of RE PID# 021-13-008; thence continuing in a northeasterly direction 146.8 feet to a point on Rivermont Avenue; thence continuing in a southeasterly direction along Rivermont Avenue 168 feet to the point of beginning.

Part of 3409 Rivermont Avenue (RE PID# 037-02-001)

Beginning at the northeastern most corner of RE PID# 037-02-001 on Rivermont Avenue, thence proceeding in a southerly direction along the eastern boundary of RE PID# 037-02-001 approximately 260 feet to a point; thence continuing in a northwesterly direction south of and inclusive of the Oakwood Country Club main building approximately 350 feet to a point; thence continuing in a northeasterly direction approximately 260 feet to Rivermont Avenue; thence continuing in a southeasterly direction along Rivermont Avenue approximately 320 feet to the point of beginning.

Part of 3231 Rivermont Avenue – Virginia Baptist Hospital property (RE PID# 038-01-001)

Beginning at the northeastern most corner of RE PID# 038-01-001 on Rivermont Avenue, thence proceeding in a southerly direction 257.7 feet to a point; thence continuing along this line in a southerly direction approximately 40 feet to a point; thence continuing in a westerly direction south of and inclusive of the Barker Building approximately 230 feet to a point; thence continuing in a southerly direction along the east side of the Mundy Building approximately 220 feet to a point; thence continuing in a westerly direction south of and inclusive of the Mundy Building approximately 50 feet to a point; thence continuing in a northerly direction along the west side of the Mundy Building approximately 120 feet to a point directly south of and inclusive of the Main and Mundy buildings; thence continuing in a westerly direction along the south side of the Main Building for a distance of approximately 100 feet to a point at the Krise Building; thence continuing in a southerly direction along the east side of the Krise Building approximately 120 feet to a point south of and inclusive of the Krise Building; thence continuing in a westerly direction along the Krise Building approximately 60 feet to a point; thence continuing in a northerly direction along the west side of the Krise Building approximately 120 feet to a point south of and inclusive of the Main Building; thence continuing in a westerly direction approximately 100 feet to a point on the east side of the Ford Building; thence continuing along the east side of the Ford Building in a southerly direction approximately 120 feet to a point south of and inclusive of the Ford

Building; thence continuing along the south side of the Ford Building approximately 50 feet to a point; thence continuing in a northerly direction along the west side of the Ford Building approximately 210 feet to a point at the northwest corner of the Ford Building; thence continuing in a westerly direction approximately 110 feet to a point on Oak Lane; thence continuing in a northerly direction approximately 130 feet to a point on Rivermont Avenue; thence continuing in an easterly direction along Rivermont Avenue approximately 700 feet to the point of beginning.

Part of Riverside Park (RE PID# 020-01-001) and Entire Lot #020-01-018 – Miller-Claytor House)

Beginning at the southeastern most corner of RE PID# 020-01-001 on Rivermont Avenue, thence proceeding along Rivermont Avenue in a westerly direction approximately 85 feet to a point; thence continuing in a northeasterly direction 197.66 feet to a point; thence continuing in a northwesterly direction 223.66 feet to a point; thence continuing in a northerly direction approximately 100 feet along the west line of RE PID# 020-01-003 and 004 to a point; thence continuing in a southeasterly direction in a line parallel to Miller-Claytor Lane north of and inclusive of the Miller-Claytor house, approximately 1,280 feet to a point on Cork Street; thence continuing in a southwesterly direction approximately 100 feet to a point on Miller-Claytor Lane; thence continuing in a northwesterly direction along Miller-Claytor Lane approximately 880 feet to a point; thence continuing in a southwesterly direction approximately 170 feet to the point of beginning.

Part of 3021 Rivermont Avenue (RE PID# 039-01-001)

Beginning at the northeastern most corner of RE PID# 039-01-001 on Rivermont Avenue, thence proceeding in a southerly direction 366.7 feet to a point along the eastern boundary of RE PID# 039-01-001; thence continuing in a southerly direction along the same line approximately 170 feet to a point; thence proceeding in a westerly direction south of and inclusive of the Villa Maria House approximately 450 feet to a point on the eastern side of Langhorne Road; thence continuing in a northerly direction along Langhorne Road approximately 530 feet to a point where Langhorne Road intersects Rivermont Avenue; thence proceeding along Rivermont Avenue in an easterly direction approximately 460 feet to the point of beginning.

Part of 2500 Rivermont Avenue – Randolph-Macon Woman's College Property (RE PID# 041-04-005)

Beginning at the southeastern most corner of RE PID# 041-04-005 on Rivermont Avenue at its intersection with Norfolk Avenue; thence proceeding in a northeasterly direction along Norfolk Avenue approximately 550 feet to a point; thence continuing in a northwesterly direction approximately 120 feet to a point south of and not inclusive of a 1967 addition to the Lipscomb Library; thence continuing in a northeasterly direction between the 1967 addition and the original Lipscomb Library building approximately 150 feet to a point; thence continuing in a northwesterly direction approximately 360 feet, inclusive of the original Lipscomb Library Building and the Macon Bookshop, Moore

Hall, the Psychology Building, and Main Hall to a point on the Main Hall Building; thence continuing in a northeasterly direction approximately 30 feet along Main Hall to a point; thence continuing in a northwesterly direction approximately 160 feet to a point; thence continuing in a southwesterly direction approximately 30 feet to a point; thence continuing in a northwesterly direction approximately 320 feet to a point north of and inclusive of Thoresen Hall and West Residence Hall to a point; thence continuing in a southwesterly direction approximately 130 feet to a point north of and inclusive of the Wright Residence Hall; thence continuing in a northwesterly direction approximately 140 feet to a point; thence continuing in a westerly direction approximately 100 feet to a point on North Princeton Circle; thence continuing in a southerly direction along North Princeton Circle approximately 270 feet to Rivermont Avenue; thence continuing in a southeasterly direction along Rivermont Avenue approximately 1,000 feet to the point of beginning.

Part of 845 Belmont Street (RE PID# 023-12-015)

Beginning at the northeastern most corner of RE PID# 023-12-015 on Rivermont Avenue; thence proceeding in a southwesterly direction 140 feet to a point; thence continuing in a northwesterly direction approximately 50 feet to a point on Spencer Street; thence continuing in a northeasterly direction 140 feet to Rivermont Avenue; thence continuing in a southeasterly direction 50 feet to the point of beginning.

. . . is hereby designated as a historic district and the Director of Community Planning and Development shall forthwith cause the "Historic District Map of Lynchburg," referred to in Section 35.1-44.1 of this Chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

040L

THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

434.847.1508

To: Planning Commission
From: Planning Division
Date: January 9, 2002
RE: CONSIDERATION OF A LOCAL HISTORIC DISTRICT (HD) ZONING DESIGNATION FOR
AN AREA TO BE KNOWN AS THE RIVERMONT HISTORIC DISTRICT

SYNOPSIS

At its work session on November 17, City Council directed City staff to revive the proposal for a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street; 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane. With the new proposal, several properties were removed from consideration, including 845 Victoria Avenue, 318 Charlotte Street and 301 Grayson Street.

SUMMARY

Proposal agrees with the General Plan's "Policy 8" in that old neighborhoods and old structures should, whenever possible, be preserved and strengthened as vital community links. Under Objective 4, it further provides that preservation strategies should be applied to structures and districts with architectural, historical, cultural, or social significance, as well as to unique natural features and vistas.

Proposal agrees with the Dames & Moore Historic Architectural Survey – Rivermont Avenue Neighborhood Report that recommends the upper and lower Rivermont areas for nomination to the National Register of Historic Places and the Virginia Landmarks Register.

Proposal agrees with historic district boundary criteria as specified in A Guide to Delineating Edges of Historic Districts according to historical, visual and physical factors.

May 21: Historic Preservation Commission unanimously recommended approval of the original petition that was presented by Elizabeth Harris, Peter Parker, Frances Harriss, Howard Butler and Annie Massie, of the Friends of Rivermont.

June 13: Planning Commission unanimously recommended approval of the original petition.

July 10: City Council, by a vote of 4-3, denied the original petition.

September 25: City Council requested City staff to survey each property owner to ascertain his/her opinion on designating their property as a historic district. The results of the poll showed that an overwhelming majority favored local historic district designation for their properties.

November 27: City Council revived the proposal to approve a local historic district zoning designation for an area to be known as the Rivermont Historic District.

With the new proposal, several properties were removed from consideration, including 845 Victoria Avenue, 318 Charlotte Street and 301 Grayson Street.

- December 17: Historic Preservation Commission unanimously recommended approval of the new petition as submitted.

Planning Division recommends approval of the petition.

ATTACHMENTS: See HPC reports and HPC minutes from December 17, 2001 and May 21, 2001; Planning Commission report and Planning Commission minutes from June 13, 2001; and City Council report from July 10, 2001, for background information; maps of the proposed Upper, Middle and Lower Rivermont Historic District.

PLANNING DIVISION RECOMMENDATION: Based on the preceding information and analysis, the Planning Division recommends approval of the following motion:

“That the Planning Commission hereby recommends to City Council approval of a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street, 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.”

This matter is hereby offered for your consideration.

William K. McDonald, AICP
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. John W. Jennings, Fire Marshal
Mr. Lee Newland, City Engineer
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Acting Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Annie R. Massie, FOR President
Mr. and Mrs. Charles Bullock, FORA Chairmen

PLANNING COMMISSION MEETING MINUTES JANUARY 9, 2002

Consideration of a local Historic District (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street; 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.

Mr. William K. McDonald, Acting City Planner, reviewed the petition. Mr. McDonald said the Historic Preservation Commission (HPC) acted on the current request in December 2001, unanimously recommending approval to the Planning Commission. He said last year a similar petition came before the Planning Commission, in which they recommended approval to the City Council, as did the HPC. He explained that last year, after those two meetings and a 4-3 vote of denial by the City Council, members of the Council asked that a survey of Rivermont property owners be conducted. Based on the results of the survey, Council then asked that the petition be revived and reviewed again by the HPC, Planning Commission, and Council. That revived petition is what is being heard at this meeting.

Mrs. Annie Massie, 3204 Rivermont Avenue, President of Friends Of Rivermont (FOR), addressed the Planning Commission. Mrs. Massie said if Rivermont was not the first planned neighborhood in the nation, then it was one of the first. She noted that it was a very diverse neighborhood made up of modest homes as well as mansions, and included commercial, residential, and educational facilities. She said distinguished architecture runs the entire length of the Avenue, with houses designed by Edward Frye, Stanhope Johnson, Aubrey Chesterman, Pendleton Clark, and others.

Mrs. Massie said that even though the area remains generally in tact, there had been modifications, and many of those modifications were made with no consideration to the neighborhood. She added that in recent years buildings had been torn down and alterations had been made to the structures. She said the HPC oversees changes to building exteriors and protects against incompatible construction design, fences, and unrestricted demolition.

Mrs. Massie said restrictions and limitations were necessary as evident in most new housing developments in the country. She stated that FOR believed in private property rights and in community rights. She said decline was evident in areas that were not protected, and there was less incentive for homeowners to restore their own houses when neighboring properties were not maintained.

Mrs. Massie continued by saying that Rivermont Avenue was at great risk. She said structures and landscapes with historical, cultural or architectural significance enhanced the quality of life now and for future generations. She said the City had the opportunity to preserve the beauty and grace of Rivermont Avenue, and urged the Planning Commission to support the request.

Mr. Alex Dirom, 2315 Rivermont Avenue, spoke in favor of the petition. Mr. Dirom explained that in the mid-80s when members of the Junior League asked that Rivermont Avenue be given historic status, he was opposed to the request. He said he feared that restoration would be dirty and expensive; he feared having someone tell him how to improve his property; and, he feared not having enough money to make the necessary alterations to his house. Mr. Dirom continued by saying that his previous fears for designation were unfounded. Instead, he said he found different options and solutions for materials that were affordable, and by doing the work himself over a period of time saved money. He said over the years he discovered that his work was all compatible with historic guidelines. Mr. Dirom said just the suggestion of historic designation had created excitement along the Avenue with many homeowners already making repairs to their houses and generally cleaning up the neighborhood. He said historic designation would provide protection for all property owners on Rivermont. Mr. Dirom concluded by saying that historic designation was not for him and his wife, but for the homes and the neighborhood. He urged the Commissioners to support the petition.

Mr. James Carrington, 1411 Madison Street, president of Diamond Hill Historical Society spoke in support of the petition. Mr. Carrington explained that property values of lower Rivermont and middle Rivermont were still declining while property values of upper Rivermont were holding steady. He said at the public hearing last summer, FORA tried to discredit the property values by adjusting the figures for inflation. He continued by saying that the property values on Diamond Hill, in real dollars, increased by 115 percent. He said the benefits of preservation were neighborhood pride, better tenants, more income for landlords, improved living conditions for tenants, increased taxes for the City and reduced cost of City services. Mr. Carrington said that, even if Rivermont Avenue was not designated historic, the property owners must follow the City Zoning Ordinance, which dictated that they maintain their property.

Ms. Katie Vaden, 1042 Greenway Court, board member of FOR, spoke in favor of the petition. Ms. Vaden said that, while she was not a resident of Rivermont Avenue, she believed that historic designation would enhance the City. She said over the past year she had found that the majority of Certificates of Appropriateness (COA's) were approved routinely and homeowners were rarely inconvenienced by the process. Yet, she noted, the opponents continue to say that the COA application process infringed on personal rights and independence. Ms. Vaden said sometimes personal preferences had to be sacrificed for the good of the community. She urged the Commissioners to put aside personal preferences and vote for the historic designation of Rivermont Avenue.

Mrs. Martha Stokes, 305 Washington Street, Chairman of the Historic Preservation Commission (HPC), spoke in favor of the petition. She told the Commission that on December 17, 2001 the HPC voted unanimously to recommend local historic designation for the area proposed as the Rivermont Historic District. She added that Rivermont had a wealth of architecture, both simple and grand, all of which worked together to form a very special neighborhood. She noted that in the General Plan's Policy 8, old neighborhoods and old structures should, whenever possible, be preserved and strengthened as vital community links. She said that making Rivermont a historic district was vital to the City of Lynchburg, and asked the Commissioners to once again support the Rivermont Historic District.

Mr. George Caylor, 2460 Rivermont Avenue, spoke in favor of the petition. Mr. Caylor said he owned a bed and breakfast on Rivermont Avenue called "The Residence", which was the former home for Randolph Macon Woman's College presidents. He said he was a financial planner and knew that money was made by attracting customers. He said Lynchburg could also make money, by attracting business, visitors, and people who want to live here. He said Rivermont should be designated historic to keep it nice, clean, and attractive for business.

Ms. Sally Schneider, 307 Washington Street, Executive Director of the Lynchburg Historical Foundation (LHF) spoke on behalf of the Board of the LHF and its approximately 300 members in support of the petition. She said the LHF urged the Planning Commission to follow the example of other communities in the Commonwealth of Virginia. She said other communities in the area had successfully risen to the challenge of material stewardship and had met the obligation in providing civic leadership informed by what was best for the community rather than what was best for individuals.

Mr. George Clark, 2701 Rivermont Avenue, spoke in support of the petition. Mr. Clark said he moved to Lynchburg in the mid-1960s from Charleston, South Carolina, and understood the value of historic property. He added that it would be a benefit to Lynchburg to emphasize the interest and strength of the area as a tourist destination. Mr. Clark said he also owned rental property on Rivermont Avenue, and one of those properties was across the road from the "army barracks apartments". He said when the apartments were built, no zoning ordinances were violated, but they violate the laws of beauty and decorum of the Avenue. He said he hoped the Planning Commission would support this petition.

Mr. George Dooley, 508 Washington Street, addressed the Commission in support of the petition. Mr. Dooley said he grew up on Diamond Hill, left for a career in the military, returned to Diamond Hill in 1973, and expected to live the rest of his life there. He said when he left Lynchburg in 1949 most of the properties were owner occupied and the neighborhood was stable. He said when he returned in 1973, the "Hill" was a very different place. He said most of the buildings were owned by absentee landlords, some houses containing as many as twelve apartments. He added that the human density and crime rate were high, and the environment was unstable. He continued by saying that due to the determination of homeowners on Diamond Hill, and the protection of the historic zoning ordinance, the neighborhood was now stable, had a low crime rate and was a desirable area in which to live. He added that in those 23 years, Diamond Hill had a radical change of life. Mr. Dooley said the same changes could be accomplished in the areas of Rivermont Avenue where deterioration and instability exist. He asked that the Planning Commission support historic designation for Rivermont Avenue.

Mr. Chuck Bullock, 2303 Rivermont Avenue, co-chair for Friends of Rivermont Against (historic designation)(FORA), addressed the Planning Commission. Mr. Bullock said in reviewing all of the information, FORA had come up with more questions than comments. He said FORA had heard all the arguments, and added that the arguments were confusing, erroneous, misleading, biased, unfounded, and deceptive.

Mr. Bullock pointed out that the proponents continue to push tourism. He said Point of Honor, one of the City's main tourist attractions, was located in a disgraceful looking historic district. He said the area was an embarrassment to the City. He said if tourism was so important, why hadn't the City done something to improve that street. He added that historic designation did not guarantee that an area would increase in value.

Mr. Bullock said the results from the survey that was sent to all Rivermont property owners should not be misconstrued. He said the margin that separated FOR and FORA was not as wide as the public was lead to believe. He suggested that the Commission take another look at the survey results.

Mr. Bullock said if Rivermont was deemed historic it would double the size of the current historic district. He asked who would be checking the area for code violations since the City was determined to enforce property maintenance. He asked if more inspectors would be hired, and if so, how would their salaries be paid. He said it was the City's fiduciary responsibility to inform the citizens of how many more inspectors it would take and the cost included.

Mr. Bullock pointed out that the Historic Preservation Commission and the Planning Commission both meet during the day and would make it very inconvenient for the working property owner to attend a meeting to request a Certificate of Appropriateness. He said people would have to miss work to attend the meetings.

Mr. Bullock said one resident of lower Rivermont said that Rivermont Avenue was not all about money, but about the people. However, Mr. Bullock said when he attended the last HPC meeting, one of the HPC members said it was not all about the people, but about the buildings. He said he thought the sentiment of that HPC member summed up the whole proposal for Rivermont Avenue. He said he was upset and tired of fighting; however, he would be at the City Council meeting for one more fight.

Mr. Ted Craddock, attorney, 2306 Atherholt Road, gave the rebuttal for FOR. Mr. Craddock said any changes due to historic designation would be a gradual process. However, he said, it had to start somewhere, and the City needed to give the property owners on Rivermont Avenue a chance to see if the necessary changes could be made. He said everyone had some restrictions placed on their lives, and because a person owned property did not mean they had unfettered rights to do what ever they wished with their property. He said historic designation was needed where appropriate and added that it was appropriate for Rivermont Avenue. Mr. Craddock asked the Commissioners to again recommend approval of this petition to City Council.

Mr. Bullock gave a rebuttal. He said the priority of the Planning Commission should be working on the riverfront and downtown development, and trying to keep citizens from moving out of the City. He said he also believed the City had to start somewhere with historic designation, and noted that a good place to start was by designating upper Rivermont only. He said FORA wanted to improve Rivermont and was not opposed to coming up with an alternate plan to improve the neighborhood. However, he said, they met with Council members to develop a solution, but the proponents were against any type of compromise. He said a lot of things could be done to improve Rivermont Avenue without designating it historic.

Commissioner Worthington said he was in favor of the petition when it came before the Planning Commission last year and was still in favor of the petition. He said the results of the survey recently conducted by the City were compelling. He said the property owners on Rivermont Avenue had the most to gain or loose, and even though there was a small minority against the designation, the survey showed that the majority of the homeowners were in favor of the petition. He added that he did not want to stand in the way of that majority.

Commissioner Moore voiced his agreement with Commissioner Worthington's comments. He said in comparing the three sections of Rivermont, lower Rivermont would gain the most due to increased property values. He added that over time, historic designation would benefit the entire City as a tourist attraction. Commissioner Moore noted his support of the petition, and made a suggestion that the title be changed from Rivermont Historic District to Rivermont Avenue Historic District.

Commissioner Echols said the most important asset an individual owned was his or her home. He said good land use controls were needed to provide and protect the City, and without those controls the City was wasting time and energy. Commissioner Echols added his support to the petition.

Commissioner Flint voiced his support of the petition. He said there were many homes along Rivermont Avenue that were designed by significant architects. He added that much thought and effort went into these houses when originally built, and they deserved to be saved and maintained.

Commissioner Pulliam said he had lived in a historic district for 20 years and did not understand the opposition to the designation. He agreed that improvements were needed at the entrance to Daniel's Hill, and suggested that maybe the Daniel's Hill neighborhood group was not as organized as other historic neighborhood groups, thus the condition of the entrance to Cabell Street. Commissioner Pulliam noted his support for the petition in the past and said he was supportive of the petition now.

Chair Dahlgren said his feelings were simple. He said since the Planning Commission's public hearing in June 2001, he had not heard any additional information to change his opinion about historic designation for Rivermont Avenue. He added that he continued to support the petition.

After further discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

“That the Planning Commission hereby recommends to City Council approval of a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street, 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.”

AYES:	Dahlgren, Echols, Flint, Moore, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0

THE DEPARTMENT of COMMUNITY PLANNING & DEVELOPMENT

City Hall, Lynchburg, VA 24504

434.847.1508

To: Historic Preservation Commission
From: Annette M. Chenault, Secretary
Date: December 17, 2001
RE: CONSIDERATION OF A LOCAL HISTORIC DISTRICT (HD) ZONING DESIGNATION FOR
AN AREA TO BE KNOWN AS THE RIVEMONT HISTORIC DISTRICT

SYNOPSIS

At its work session on November 17, City Council directed City staff to revive the proposal for a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street; 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane. With the new proposal, several properties were removed from consideration, including 845 Victoria Avenue, 318 Charlotte Street and 301 Grayson Street.

SUMMARY

Proposal agrees with the General Plan's "Policy 8" in that old neighborhoods and old structures should, whenever possible, be preserved and strengthened as vital community links. Under Objective 4, it further provides that preservation strategies should be applied to structures and districts with architectural, historical, cultural, or social significance, as well as to unique natural features and vistas.

Proposal agrees with the Dames & Moore *Historic Architectural Survey – Rivermont Avenue Neighborhood* Report that recommends the upper and lower Rivermont areas for nomination to the National Register of Historic Places and the Virginia Landmarks Register.

Proposal agrees with historic district boundary criteria as specified in A Guide to Delineating Edges of Historic Districts according to historical, visual and physical factors.

May 21: Historic Preservation Commission unanimously recommended approval of the original petition that was presented by Elizabeth Harris, Peter Parker, Frances Harriss, Howard Butler and Annie Massie, of the Friends of Rivermont.

June 13: Planning Commission unanimously recommended approval of the original petition.

July 10: City Council, by a vote of 4-3, denied the original petition.

September 25: City Council requested City staff to survey each property owner to ascertain his/her opinion on designating their property as a historic district. The results of the poll showed that an overwhelming majority favored local historic district designation for their properties.

November 27: City Council revived the proposal to approve a local historic district zoning designation for an area to be known as the Rivermont Historic District.

With the new proposal, several properties were removed from consideration, including 845 Victoria Avenue, 318 Charlotte Street and 301 Grayson Street.

Planning Division recommends approval of the petition.

ATTACHMENTS: See HPC report and HPC minutes from May 21, 2001; Planning Commission report and Planning Commission minutes from June 13, 2001; and City Council report from July 10,

2001, for background information; maps of the proposed Upper, Middle and Lower Rivermont Historic District.

PLANNING DIVISION RECOMMENDATION: Based on the preceding information and analysis, the Planning Division recommends approval of the following motion:

“That the Historic Preservation Commission hereby recommends to the Planning Commission and City Council approval of a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street, 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.”

This matter is hereby offered for your consideration.

Annette M. Chenault
Staff report writer; Planner II

William K. McDonald
Acting City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. Robert Drane, Acting Building Commissioner
Mr. Robert S. Fowler, Zoning Official

HISTORIC PRESERVATION COMMISSION MINUTES
DECEMBER 17, 2001

Consideration of a local Historic District (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street; 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.

Chair Stokes asked those in favor of the petition to speak.

Ms. Marilyn Martin, 47 Columbia Avenue, spoke for Friends of Rivermont (FOR) in support of the petition. Ms. Martin said Rivermont should be designated historic because it was one of the first, if not the first, planned subdivisions in the country. She said the buildings along Rivermont Avenue contain excellent examples of late 19th and early 20th Century urban architecture and are the perfect combination for a livable community. She said that twice this year Rivermont property owners had been polled about their opinion as to whether Rivermont Avenue should or should not receive historic designation. She said the FOR survey was validated by the City's recent survey showing that over fifty percent of the residents think historic designation would be the best way to protect the original and unique character of the Avenue.

Ms. Martin said the Commonwealth of Virginia had approved 26 more National Register historic districts just this year. She added that these new districts included all sizes and ages of homes and businesses. She said these structures would now be better protected from demolition, as would the properties on Rivermont Avenue if they were designated historic.

Ms. Martin said residents of the other historic districts valued the Certificate Of Appropriateness (COA) process, and property owners found the Historic Preservation Commission to be cooperative and helpful. She said the Rivermont property owners would find the COA process a small price to pay to protect their investments.

Ms. Martin noted that City Council had considered a less restrictive preservation ordinance that would allow vinyl siding for Rivermont. At a recent work session, Council members and others heard an employee of the Virginia Department of Historic Resources explain the problems associated with installing vinyl siding on buildings that had original wood siding. She said that as a result of this presentation and other information, Council decided to consider Rivermont under the current Historic Districts Ordinance rather than develop a separate ordinance that would be more lenient.

Ms. Martin reported that paint companies were developing a new paint product that would come with a guarantee to provide longer-lasting paint. She said the new paint is purported to come with a long-term guarantee and cost less than siding.

Ms. Martin said the character of the homes on Rivermont cannot not be duplicated in new housing, yet developers are attempting to use the styles found in the historic districts as models for new communities. She said they are not only copying the architectural styles and landscaping, but are also trying to replicate the sense of community found in older neighborhoods. She added that these new developments also have restrictive covenants to protect their neighborhoods that are similar to and even more restrictive than what historic designation provides.

Ms. Martin concluded by saying that Rivermont Avenue residents value their property rights, but also recognize the need to preserve their heritage for future generations. She said it takes foresight to make this choice and urged the Historic Preservation Commission to move the City forward by recommending the designation of Rivermont as a historic district.

Mr. Peter Parker, 115 Huron Avenue, spoke in favor of the petition. Mr. Parker said Rivermont Avenue is alive and vibrant and needed to be protected. He said historic designation would protect all of the houses, small or large, ornate or simple. He said Rivermont Avenue is a highly visible, major entrance into the City and needed to be protected. He said these properties require considerable upkeep and care in time and money, and historic designation would protect the owner's investment.

Ms. Macon Winfree, 2940 Rivermont Avenue, called prior to the meeting. She said she would be unable to attend the meeting; however, she wanted to express her support of the proposed historic district designation.

Chair Stokes asked those in opposition to the petition to speak.

Mr. Chuck Bullock, 2303 Rivermont Avenue, Co-chair of Friends of Rivermont Against historic designation (FORA), addressed the HPC. Mr. Bullock said FORA was excited when City Council voted against the original petition earlier this year and thought the two groups could reach a compromise on a plan. However, he said, FORA did not want to compromise; and the petition continues to divide the neighborhood and force neighbor against neighbor. He said FORA had heard that historic designation would keep buildings from being torn down, but they just witnessed at this meeting the HPC's decision to allow the demolition of two houses. He said homeowners on Rivermont Avenue might decide to stop working and maintaining their houses because of the hassle of having to ask permission to work on them. Therefore, more and more houses will end up being torn down, and historic designation would end up having the opposite effect than the original intentions.

Mr. William H. Crank, 4425 Boonsboro Road, said he owns 33 properties on Rivermont Avenue and was very much against historic designation. He said he saw no advantages, just liabilities, and he does not want to ask permission to maintain his properties. He said that most all of the homeowners from the Rivermont Bridge to Bedford Avenue did not want to be included in the designation, and that was almost one-third of the property owners on Rivermont Avenue.

Mr. Glenwood Brawley, 478 Rivermont Avenue, spoke against the petition. Mr. Brawley said he only hears about the value of the properties on Rivermont Avenue, not about the people who live in those houses. He said when he bought his house he assumed that it was his property to do what he wanted to with it, but he now understands that he would have to ask permission just to paint his house, which he does not want to do. He said historic designation would take away the personal property rights of the homeowners on Rivermont. He added that the United States is not a third-world country, and he would like the City of Lynchburg to recognize that and not take away their rights.

Mr. Cary Tomlinson, 318 Charlotte St, spoke against the petition. Mr. Tomlinson said his house had no historic value; but over the last twenty years, the monetary value had increased more than \$70,000. He added that the City polling process of Rivermont residents indicated that 115 responses were positive; but out of 380 property owners, 115 positive responses was not a majority in favor of historic designation. He told the Commission that he bought his house in June 2001. He said he could have moved into a new development, but chose not to do so because of the restrictions imposed by the homeowner's association. Now, he said, he would be in the same situation if Rivermont is granted historic designation.

Ms. Susan Grimes, 1800 Rivermont Avenue, spoke against the petition. Ms. Grimes questioned the benefits of designating Rivermont Avenue as a historic district. She said homeowners would be inclined to stop, or never work on the exterior of their homes because of the regulations and red tape attached to the designation. She also said it would slow the work and cost the homeowner money if they had to hire an architect to develop plans for the proposed work on their house, and added that most people would not be able to afford such an expense. She asked about the 15-day time period for appealing the Historic Preservation Commission's decisions. She said if a homeowner did not complete their work within the allotted time frame, they would probably have to hire a lawyer to help with possible court cases. She asked if there was a complete copy of the Ordinance that the public could review as opposed to what the City distributed to the public prior to this hearing. Ms. Grimes asked if her property could be excluded from designation and suggested that the City review each property for its historic value.

Chair Stokes explained to Ms. Grimes that almost no one hired an architect to develop drawings for presentations to the Historic Preservation Commission. She said many homeowners submit a hand drawn site plan. However, when considering major additions or changes to a building, the HPC would certainly encourage a homeowner to consult with an architect. She said a homeowner would probably do this whether or not the house is in a historic district. Chair Stokes also explained that the HPC has an Advocacy Program where, at the property owner's request, one of the Commissioners will meet with him/her to discuss the proposed changes, and the Advocate can help the homeowner present his or her ideas to the Commission. She said the Advocates provide good advice to help the homeowner save money, and the HPC provides this service at no charge.

Ms. Chenault said the Historic Preservation Ordinance that was mailed to the property owners and distributed to the public prior to this meeting was the complete Ordinance.

Ms. Connie Bullock, 2303 Rivermont Avenue, spoke against the petition. Ms. Bullock said only those homeowners who try to maintain their properties would be penalized by historic designation. She said if a homeowner did nothing to their property, there would be no burden on them to bring their property up to a standard. She said

having to request a COA every time the homeowner wanted to make an exterior change to their house would cost them lost time from work. Ms. Bullock voiced her objection to how the survey was done by allowing only one vote per property owner, rather than one vote per property owned and added that this was similar to taxation without representation.

Chair Stokes asked for rebuttals.

Mr. Clifton Potter, 1304 Oak Lane, spoke in response to those who were opposed to the petition. He said he has requested that his property be included in the Rivermont Historic District. He said he was a member of the first Historic Preservation Commission in the 1970s, when it was called the Historic and Architectural Review Board. He helped frame the Historic Districts Ordinance when Lynchburg designated the first historic districts in the City. He said Diamond Hill and Garland Hill have houses that have been saved from demolition since the Historic Districts Ordinance was created. He said the City has a treasure in Rivermont that could be passed on to future generations, and that obligation transcends property rights. Mr. Potter said people oppose historic designation because they are afraid of the unknown. He said he has been in favor of the designation for Rivermont since the Junior League first presented it to City Council in the 1980s.

Mr. Chuck Bullock, 2303 Rivermont Avenue, spoke in response to those who supported the petition. He said the lots on Rivermont Avenue are very narrow, the set backs are not current, and they did not meet the City's existing ordinances. He said many of the houses on Rivermont have been drastically changed through the years, and at this time there were few worthy of being designated historic.

Chair Stokes closed the public hearing.

Commissioner Holloway explained that the two houses the HPC had reviewed and given a "no effect" determination to demolish them were not located in a designated historic district. He said when the City is using Federal money to demolish a building anywhere in the City, the Commission is required to review whether there would be an effect on the historic or architectural character of the neighborhood to demolish it. He added that since he has been a member, he did not recall the HPC approving the demolition of any house that was located in a historic district. Commissioner Holloway responded to the comment made concerning "one vote per property owner versus one vote per property owned." He said that in any city, state, or federal election citizens were only allowed one per vote per person.

Commissioner Glass said the issue of personal property rights has always been a significant issue for him. He said he understood the concern of the opposition and how the fear of the unknown could create emotions that would cause a person to be against any type of change. The issue with saving neighborhoods and tangible property fell into a category that created overlays to protect the properties, but the inhabitants of those properties may not think they necessarily protect the property owners. Commissioner Glass said the Commission's charge is to look at properties that have historic and architectural merit, that are worth saving and make the necessary decisions to protect those properties. He voiced his support of the petition.

Commissioner Fischer said he supported the petition but said that his support did not mean that he had a closed mind to those who are opposed to the petition. He said he had listened to all points of view and added that he did not like being dismissed as already having made his mind up about the petition prior to the public hearing when that was not the case. He said that the survey process was determined by City Council, and it was accomplished through an unbiased City department. He said it was unfair to impose dissatisfaction and blame the HPC when it was not their responsibility. He said designating Rivermont Avenue as a historic district would create a new dimension of problems, but that was the price of freedom. Commissioner Fischer added that people who claim "taxation without representation" forget that ordinances were developed to protect the majority from the tyranny of a few. He concluded by saying that he believed historic designation was appropriate for the Rivermont Neighborhood, and the benefits will far outweigh the disadvantages.

Commissioner Devening expressed his agreement with Commissioner Fischer. He said the HPC is a technical board that exists only because historic districts exist in the City, and the HPC had been asked to give their opinion and recommendation on the historic designation of the Rivermont Neighborhood. He said he agreed that Rivermont is worthy of designation. He added that the proposed historic district includes properties of historic value and properties that have less historic value, but all of the properties are part of the make up of the neighborhood and are important. Commissioner Devening said the neighborhood would only improve with historic designation and was sure that it would be successful. He said it would be good for the property owners as well as for the community.

Commissioner Goldman said he was torn between the proponents of the petition and the opposition, but explained that his charge is to support and protect historic properties. He said there is no doubt that the Rivermont corridor is

worthy of protection. He explained that his role on the HPC is to make the COA process as painless as possible and help the neighborhood find common ground in dealing with preservation issues.

Commissioner Mott said that when this petition first came before the HPC in the spring she had asked both groups to gather the information necessary to understand and be educated about the process. She said from the comments today, it was obvious that the information gathering had not happened. She said none of the Commission members had been contacted to answer questions about its role or the COA process, and that the lack of understanding appeared to be a problem. She said there were other means to gather this information if the property owner did not want to contact the HPC. She said the HPC existed to protect the history and architecture of Lynchburg. It did not discriminate against any one--any salary level, economic background, tax assessment, race or the value of the property. She said she supported the petition and would recommend its adoption.

Chair Stokes said that Rivermont Avenue was worthy to be designated as a historic district. Rivermont was a marvelous neighborhood with a wealth of beautiful architecture, both simple and ornate. She added that the HPC was here to protect the historic districts and properties in the City, and she could not think of a better cause than designating Rivermont.

After further discussion, Commissioner Glass made the following motion, which was seconded by Commissioner Holloway and passed by the following vote:

“That the Historic Preservation Commission hereby recommends to the Planning Commission and City Council approval of a local historic district (HD) zoning designation for an area to be known as the Rivermont Historic District for all properties fronting on Rivermont Avenue beginning at the downtown Rivermont Bridge in the 300 block and extending to Virginia Episcopal School Road in the 3400 block, with the exception of seven vacant lots located adjacent to and directly east of Virginia Baptist Hospital (tax parcel numbers 038-01-2/8); and further including the properties known as 400 and 404 Victoria Avenue; 837, 839, 841, 843 and 845 Belmont Street; 860 Victoria Avenue; 1310 Early Street, 200-202 Cleveland Avenue; 104 Lee Circle; 102 Oakwood Place and 1304 Oak Lane.”

AYES:	Devening, Fischer, Glass, Goldman, Holloway, Mott, Stokes	7
NOES:		0
ABSTENTIONS:		0